

In the Drawings

Submitted herewith are replacement drawing sheets 2 and 3 that have been corrected to show the proper crosshatching as required by the Examiner. No new matter has been added. It would be appreciated if the Examiner would indicate the acceptance of the replacement sheets in the next Office communication.

Remarks/Arguments

This application has been carefully considered in light of a final Office action mailed December 14, 2007. As a result, two replacement sheets of drawings are being submitted to overcome the Examiner's objections to the drawings. The claims have been amended to more clearly reflect the invention. Even in light of these amendments, no new matter has been added. It would be appreciated if the Examiner would indicate the acceptance of these amendments in the next Office communication.

Drawings

The Examiner is objecting to the drawings because the plastic material of the container body is not shown in the cross-sectional views. In response, Figs. 3, 4, and 5 have been amended to properly show the plastic container body in cross-section. In light of the amended drawings, withdrawal of this objection is respectfully requested.

Claim Objections

The Examiner is objecting to claim 5 because it lacks punctuation. Accordingly, claim 5 has been amended to include a period at the end of the claim. In light of this amendment to claim 5, withdrawal of this objection is respectfully requested.

Claim Rejections - 35 USC § 112

The Examiner is rejecting claims 15 and 17 under 35 U.S.C. 112, second paragraph, as being indefinite. Specifically, the Examiner asserts that the structure of the closure is not clearly set forth in the claims. In reply, claims 15 and 17 have been amended to recite a ring having a plurality of projections including the "at least one projection" set forth in the preceding independent claims. In light of these amendments, withdrawal of the rejection of claims 15 and 17 is respectfully submitted.

Claim Rejections - 35 USC § 103

The Examiner is rejecting claims 1-3, 5, 11-13, 15, 17, and 19 and 20 under 35 U.S.C. 102(b) and being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hemple et al. (US patent no. 4,678,753). However, the Hemple patent does not disclose every claimed element, as discussed in detail below. Further, since the Hemple reference does not teach every claim element, the Examiner has not met the burden of establishing prima facie obviousness. Thus, withdrawal of this rejection is respectfully requested.

The Hemple reference lacks a teaching of a closure having "a sealing disc mounted to said closure member," as required by at least independent claims 1 and 5. According the Examiner,

the Hemple patent includes a stopper 7 with a projecting resilient edge 8 which may include a sealing layer. However, the stopper 7 is not fixed to a screw cap 9. To the contrary, Hemple teaches that to use a blood culture flask 1, the stopper 7 is first placed in a neck 3 of the flask 1. The screw cap 9 is then screwed onto the neck 3 to hold create a hermetic seal. Since the stopper 7 of the Hemple flask 1 is not attached to the screw cap 9, Hemple lacks a teaching of "a sealing disc mounted to said closure member." Thus, withdrawal of this rejection is respectfully requested.

In addition, the Hemple reference also lacks a teaching of a sealing disc "including a sealing layer for sealing said closure member to the opening edge of the neck when said closure member is mounted to the neck," as required by at least independent claims 1 and 5. According to the Examiner, "[w]herein it is arguable the disc does not have a sealing layer, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the disc of a composite material as is known in the art to provide a sealing layer to the pierceable." However, the Hemple patent does not provide any motivation to add a sealing layer to the edge 8 of the stopper 7. To the contrary, the Hemple reference teaches away from adding a sealing layer to the edge 8. First, the stopper 7 is sealed to the neck 3 by contact of an outer radial

surface of the stopper 7 against an inner radial surface of the neck 3. In light of the friction fit of the stopper 7 in the neck 3, there is no motivation to add a sealing layer to the resilient edge 8 of the stopper 7. Moreover, Hemple teaches that the screw cap 9 is screwed onto the neck 3 to force the resilient edge 8 of the stopper 7 into a gap 23 between the screw cap 9 and the neck 3. Since the edge 8 is forced into gap 23, as opposed to resting on the edges of the flask opening, the Hemple patent teaches away adding a sealing layer to the edge 8 of the stopper 7. Since there is no motivation to add a sealing layer to the edge 8 of the stopper 7, the Hemple patent does not teach a disc having a sealing layer. Thus, withdrawal of this rejection is respectfully requested.


With specific reference to claims 19 and 20, the Hemple patent does not disclose a projection that is "spaced from said sealing disc when said closure member is mounted to the neck of the container," as required by these claims. As shown in at least Fig. 2 of the Hemple patent, the unnumbered portion of the flange 12 contacts the resilient edge 8 when the screw cap is mounted to the neck 3. Further, the Hemple references teaches that a resilient edge 8 of a stopper 7 is received in a gap 23 between a flange 12 of top a screw cap 9 and a neck 23. Since the unnumbered portion of the flange 12 contacts the edge 8 when the screw cap 9 is mounted to the neck 3, Hemple does not teach

at least one projection spaced from a sealing disc when a closure member is mounted to a container. Thus, withdrawal of this rejection is respectfully submitted.

In view of the foregoing, reconsideration of the objections and rejections is respectfully requested and favorable consideration and allowance of the claims solicited. Should the Examiner have any questions regarding this response, the amendments submitted herewith, or the allowability of the claims, it would be appreciated if the Examiner would contact the undersigned attorney of record at the telephone number provided below for purposes of facilitating prosecution of this application and for scheduling an interview, if necessary.

Respectfully submitted,

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By 
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